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Re Applic of	PETRARCA, ET AL.	
Docket No.	FIS9-2004-0258US1	
Serial No.	10/711,700	
Filing Date	09/30/2004	
Attorney	LISA U. JAKLITSCH	

Document(s) Attached: RESPONSE TO RESTRICTION REQUIREMENT- 2 PAGES

PLEASE DELIVER TO:

EXAMINER: NGUYEN, TRAM HOANG
ART UNIT: 2818
PHONE NO:
FAX NO: 571-273-8300

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In the United States Patent and Trademark Office

Date: 11/17/05**In re** Kevin Petrarca, et al.**Filed:** 09/30/04**Application of:****For:** Homogeneous Copper Interconnects for BEOL**Serial Number:** 10/711,700**Confirmation** 5699**No.****Art Unit:** 2818**Examiner:** NGUYEN, TRAM HOANG**RESPONSE TO RESTRICTION REQUIREMENT**

Hon. Commissioner of Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In an Office Action mailed October 18, 2005, the Examiner has required restriction to one of the following inventions under 35 USC §121:

- I. Claims 1-5 and 13-15, drawn to a semiconductor device; and
- II. Claims 6-12 and 16-20, drawn to a method of manufacturing a semiconductor device.

According to the Examiner, the inventions are distinct because (i) Inventions I and II are related as process of making and product made. Further according to the Examiner, because these inventions are distinct and have acquired a separate status in the art, restriction is proper.

The restriction requirement is respectfully traversed.

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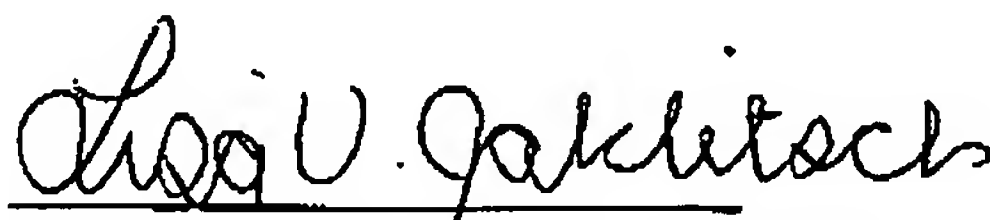
While the inventions may be distinct, they are not independent and distinct as required by the statute, 35 USC §121. The Examiner has made no claim that the inventions are independent. Accordingly, it is submitted that as the inventions are not independent and distinct as required by 35 USC §121, restriction is not proper.

Applicants are not unmindful of the fact that the Office often (and erroneously) requires restriction if the inventions are merely distinct and not independent and distinct as required by 35 USC §121. In the event that the Examiner continues to erroneously assert that restriction is proper, then Applicants hereby elect claims 1-5 and 13-15 for prosecution in this application.

Further action with respect to the present application is earnestly solicited.

Respectfully Submitted,

Kevin Petrarca, et al.



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